

EXHIBIT 5

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Page 352

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.  
Case No. 18-OP-45090

City of Cleveland, Ohio v. Purdue  
Pharma L.P., et al  
Case No. 18-OP-45132

The County of Summit, Ohio, et al.  
v. Purdue Pharma L.P., et al.  
Case No. 17-OP-45004

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Volume III
Continued deposition of
PATRICK LEONARD

May 23, 2019

8:01 a.m.

Taken at:

Ulmer & Berne

1660 W. 2nd Street, Suite 1100

Cleveland, Ohio

Renee L. Pellegrino, RPR, CLR

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Page 426

1 shows that 97 percent of his billing codes were
2 fake. So no, I don't believe any of
3 Dr. Harper's patients, once he became a pain
4 management physician, quote, unquote, were
5 legitimate.

6 Q. How about Dr. Heim; were any of
7 Dr. Heim's prescriptions legitimate?

8 MR. BENNETT: Objection. Vague.
9 Objection. Scope.

10 You can answer.

11 A. I believe some of his could have
12 been, yeah, because he was getting hydrocodone
13 delivered to his office and what he was doing
14 with that medication was separate from how he
15 was treating some of his patients. I don't know
16 that he was giving those out to patients per se.
17 So I think some of his prescriptions may have
18 been legitimate.

19 Q. And Dr. Heim, is it H-e-i-m?

20 A. E-i-m or I-e-m.

21 Q. However it's spelled. He was
22 registered with the DEA?

23 A. He had a DEA registration.

24 Q. Which allowed him under the law to
25 have scheduled substances delivered to his

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Page 427

1 office, right?

2 MR. LEDLIE: Objection to form.

3 MR. BENNETT: Objection. Calls for
4 a legal conclusion.

5 A. Yes, sir.

6 Q. Have you ever opened an
7 investigation based solely -- into a
8 physician -- well, let me rephrase it. I'll
9 make it even more general.

10 Have you ever started an
11 investigation related to diversion based solely
12 on the volume of prescriptions being written?

13 A. I personally have not, no.

14 Q. Have you ever started an
15 investigation related to diversion based solely
16 on the volume of prescription opioids being
17 dispensed?

18 MR. BENNETT: Objection. Scope.

19 A. No. There's always more factors
20 that are looked at before an investigation is
21 opened.

22 Q. Volume alone can't tell you that
23 something is necessarily wrong?

24 MR. LEDLIE: Object to form.

25 MR. BENNETT: Objection. Scope.

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Page 428

1 You can answer.

2 A. No.

3 Q. In any of your investigations at TDS
4 have you worked with the IRS?

5 A. I don't think so.

6 Q. How about local law enforcement?

7 A. Yes.

8 Q. And is local law enforcement always
9 cooperative with TDS?

10 MR. BENNETT: Objection. Vague.

11 A. Yeah. I think it's just based on --
12 you know, in my dealings with local law
13 enforcement, because I am local law enforcement,
14 I have a good rapport with most individuals, so
15 yeah, I think our communication and our
16 cooperation is pretty good with local law
17 enforcement.

18 Q. Let me just probe that a little bit
19 because I watch TV and I see these shows,
20 they're on my turf and stuff. So if you're
21 doing an investigation outside of Akron, maybe
22 somewhere where you don't regularly work, have
23 you ever got the vibe that people weren't
24 thrilled that the task force was there?

25 MR. BENNETT: Objection. Vague.

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Page 429

1 Objection. Scope.

2 You can answer.

3 A. No. Normally what I like to do is
4 reach out to whatever department it is, if
5 possible, and bring one of them on board and
6 say, Hey, listen, we're going to be working this
7 in your area, can you supply somebody to assist
8 us, or at least let them know we're there. We
9 don't always do that, but it's beneficial when
10 we do.

11 - - - - -
12 (Thereupon, Leonard Deposition
13 Exhibit 30, E-Mail String Beginning
14 Bates Number AKRON_000368859, was
15 marked for purposes of
16 identification.)

17 - - - - -
18 Q. I hand you what has been marked as
19 Leonard Exhibit 30. This is an e-mail with an
20 attachment. It bears Bates label
21 AKRON_000368859 through 368861. And the e-mail
22 is -- I think the original e-mail is dated May
23 5th, 2015.

24 Detective Leonard, do you recognize
25 the e-mail?